



UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

'08 MJ 8184

UNITED STATES OF AMERICA,
Plaintiff,
v.
James Crystal GARCIA,
Defendant.

Magistrate Case No.:
COMPLAINT FOR VIOLATION OF
21 U.S.C. § 952 and 960
Importation of a Controlled Substance
(Felony)

The undersigned complainant being duly sworn states:

That on or about February 27, 2008, within the Southern District of California, defendant James Crystal GARCIA, did knowingly and intentionally import approximately 60.94 kilograms (134.07 pounds) of marijuana, a Schedule I Controlled Substance, into the United States from a place outside thereof, in violation of Title 21, United States Code, Sections 952 and 960.

The complainant states that this complaint is based on the attached Statement of Facts incorporated herein by reference.

Hugo A. Leon
Hugo A. Leon, Special Agent
Immigration and Customs Enforcement

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, FEBRUARY 28, 2008.

[Signature]
Peter C. Lewis
U.S. MAGISTRATE JUDGE

1 UNITED STATES OF AMERICA

2 v.
James Crystal GARCIA

3 STATEMENT OF FACTS

4 This complaint is based on the personal observations, investigation, and information
5 furnished to U.S. Immigration and Customs Enforcement Special Agent Hugo A. Leon.

6 On February 27, 2008, at approximately 1816 hours, James Crystal GARCIA and was
7 accompanied by a seventeen year old minor, entered the United States from Mexico at the
8 Calexico, California, West Port of Entry. GARCIA was the driver of a white 2000 Daewoo
9 Leganza not bearing license plates.

10 CBP Officer Gonzales received negative Customs declarations from GARCIA and the
11 minor. CBP Officer Gonzales noticed GARCIA was nervous, avoided eye contact, and allowed
12 the minor to answer most of the questions during the primary inspection. CBP Officer Gonzales
13 referred the GARCIA, the minor and the vehicle to the secondary inspection area for further
14 examination.
15

16 In the Vehicle Secondary Lot, Canine Enforcement Officer C. Randolph utilized his
17 Human-Narcotic Detector Dog (HNDD). HNDD alerted to the floor area of the vehicle. CBP
18 Officer M. Aguilar conducted a more thorough examination of the vehicle and discovered several
19 duct tape wrapped packages concealed in a non-factory compartment in the floor of the Leganza
20 and more in the rear seat. CBP Officer Aguilar probed one of the packages producing a green,
21 leafy, organic substance that field-tested positive for the indication of marijuana. A total of
22 twenty six packages were removed from the vehicle. The total weight of the packages was
23 approximately 60.94 kilograms (134.07 pounds).
24

25 GARCIA was advised of his rights per Miranda. GARCIA stated to Special Agent Leon
26 that he understood his rights and was willing to make a statement without an attorney present.
27 GARCIA admitted to knowledge that he was smuggling marijuana and admitted to being paid an
28 unknown amount if successful in smuggling the marijuana into Calexico, California.

29 The minor is being prosecuted in State Juvenile Court.